

DAVID G. SPIVAK (SBN 179684)
david@spivaklaw.com
MAYA CHEAITANI (SBN 335777)
maya@spivaklaw.com
THE SPIVAK LAW FIRM
8605 Santa Monica Blvd., PMB 42554
West Hollywood, CA 90069
Telephone: (213) 725-9094
Facsimile: (213) 634-2485

Attorneys for Plaintiff(s),
JENNIFER WISE, and all others similarly situated
(Additional attorneys for Plaintiff(s) on following page)

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE**

(UNLIMITED JURISDICTION)

JENNIFER WISE, on behalf of herself and all
others similarly situated, and as an “aggrieved
employee” on behalf of other “aggrieved
employees” under the Labor Code Private
Attorneys General Act of 2004,

Plaintiff(s),

vs.

SPRINGS CHARTER SCHOOLS, INC., a
California corporation; RIVER SPRINGS
CHARTER SCHOOL, INC., a California
corporation; EMPIRE SPRINGS CHARTER
SCHOOL, INC., a California corporation;
HARBOR SPRINGS CHARTER SCHOOL,
INC., a California corporation; CITRUS
SPRINGS CHARTER SCHOOL, INC., a
California corporation; VISTA SPRINGS
CHARTER SCHOOL, INC., a California
corporation; PACIFIC SPRINGS CHARTER
SCHOOL, INC., a California corporation and
DOES 1-50, inclusive,

Defendant(s).

Case No. RIC2002359

**PLAINTIFF’S SECOND AMENDED
COMPLIANCE CHART RE:
PLAINTIFF’S MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Date: July 3, 2023
Hearing Time: 8:30 a.m.
Hearing Dept.: 1, The Honorable Craig
Riemer
Action filed: July 01, 2020



SPIVAK LAW
Employee Rights Attorneys

Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1801 Century Park East
25th Fl
Los Angeles, CA 90067

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ADDITIONAL ATTORNEYS FOR PLAINTIFF(S)

WALTER L. HAINES (SBN 71075)
walter@uelglaw.com
UNITED EMPLOYEES LAW GROUP, PC
8605 Santa Monica Blvd. PMB 63354
West Hollywood, CA 90069
Telephone: (562) 256-1047
Facsimile: (562) 256-1006

Attorneys for Plaintiff(s),
JENNIFER WISE, and all others similarly situated



SPIVAK LAW
Employee Rights Attorneys

Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1801 Century Park East
25th Fl
Los Angeles, CA 90067

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Plaintiff Jennifer Wise hereby submits the following Amended Compliance Chart, pertaining to Class Action Case Management Order #1 filed on August 26, 2020, to Plaintiff's Motion for Preliminary Approval of Class Action Settlement:

1. Settlement Agreements in General	
a. The settlement agreement shall not provide that any order, notice, form, or judgment shall include any provision that the Case Management Order filed on March 7, 2022, prohibits from being included in such a document. (See §§ H.3 through H.10 and I, infra.)	<i>See Generally</i> Exhibits A, B, C to Proposed Order Preliminarily Approving the Second Amended Class Action Settlement (hereinafter Proposed Order).
b. The settlement agreement shall be written, signed by all necessary parties, and filed, either in the form of a separate stipulation or as an attachment to a declaration of counsel.	<i>See generally</i> Exhibit 25 to Amended Declaration of David Spivak. (hereinafter, Amnd. Decl. DS)
3. The Motion in General	
a. The motion shall be supported by a declaration from the plaintiff's attorney that, inter alia:	
i. Sets forth the attorney's estimate of the number of individuals in the class.	Declaration of David Spivak ¶ 12 (hereinafter Spivak Decl.); Memorandum of Points and Authorities (hereinafter MPA), §§ III(B) (5:10-13); IV(B) (10:20-21).



SPIVAK LAW
Employee Rights Attorneys

Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1801 Century Park East
25th Fl
Los Angeles, CA 90067

1	ii. (A) Sets forth the attorney's estimate of the total	Amnd. Decl. DS ¶¶ 17-18 (5:28-
2	amount of damages, monetary penalties or other	6:17); Exhibit 8; Supplemental
3	relief that the class would be awarded if the on	Memorandum of Points and
4	each claim if that claim were entirely successful	Authorities (hereinafter Suppl.
5	at trial; (B) explains how that estimate was	MPA), ¶ 12 (8: 22-28; 9: 1-17).
6	calculated; and (C) states the collective total for	
7	all of the claims.	
8	iii. Sets forth: (A) the attorney's estimate as to each	Amnd. Decl. DS ¶¶ 17-18 (5:28-
9	claim of the total amount of damages, monetary	6:17); Exhibit 8; Supplemental
10	penalties or other relief that the class could	Memorandum of Points and
11	reasonably expect to be awarded at trial, taking	Authorities ¶ 12 (8: 22-28; 9: 1-
12	into account difficulties of proof, the	17).
13	defendant's defenses, and other attendant risks;	
14	(B) the attorney's reasons for those estimates;	
15	(C) and the likely award at trial for all claims	
16	collectively.	
17	iv. Sets forth the attorney's estimate of the	Spivak Decl. ¶ 10 (5:19-21);
18	recovery by the average class member if the	Exhibit 8; MPA, §§ III (B)
19	settlement were approved. If the recovery by	(5:10-13); III (E) 6:1-14; V(B)
20	different class members will vary, the attorney	(17:21; 18:); See Second
21	shall also estimate the range (high and low) of	Amended Settlement, ¶ III.F.1.a.
22	possible recoveries.	
23	v. Describes in detail the nature and extent of the	Spivak Decl. ¶ 11 (5:23-27; 6:
24	formal and informal discovery exchanged and	1); Exhibit 8; MPA, §§ II (B)
25	other factual investigation conducted to	(2:27-28; 3:1-11); V (B) (16:4-
26	determine the size of the class and the strength	9).
27	of the class claims.	
28		



SPIVAK LAW
Employee Rights Attorneys

Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1801 Century Park East
25th Fl
Los Angeles, CA 90067

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

vi. States (A) whether the attorney is aware of any class, representative or other collective action in any other court in this or any other jurisdiction that asserts claims similar to those asserted in this action on behalf of a class or group of individuals some or all of whom would also be members of the class defined in this action and, (B) whether the attorney made reasonable inquiry of the other members of the attorney's law firm and any associated law firm to determine whether those individuals are aware of any such similar actions. If such similar actions are known to exist, the declaration shall also state (C) the name and case number of any such case, the nature of the claims asserted, the definition of the class or other parties on whose behalf the action is brought, and the procedural status of that case.

Spivak Decl. ¶ 60 (34:22-27);
MPA, § II (B) (3:12-15).



Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1801 Century Park East
25th Fl
Los Angeles, CA 90067



Office:
1801 Century Park East
25th Fl
Los Angeles, CA 90067

1 2 3 4 5 6 7 8 9 10 11 12	b. The motion shall be supported by a declaration from the defendant's attorney that states (i) whether the attorney is aware of any class, representative or other collective action in any other court in this or any other jurisdiction that asserts claims similar to those asserted in this action on behalf of a class or group of individuals some or all of whom would also be members of the class defined in this action and (ii) the name and case number of any such case, the nature of the claims asserted, the definition of the class or other parties on whose behalf the action is brought, and the procedural status of that case.	Supplemental Declaration of Lara P. Besser (“ Suppl. Besser Decl.”) at ¶ 3.
13 14 15	c. The motion shall describe how the value of any uncashed checks, unpaid cash residue, or other unclaimed or abandoned funds will be distributed.	Spivak Decl. ¶ 64-65 (36:14-26); MPA, § III (H) (10:14-27; 11:1-3).
16 17 18 19 20 21 22	i. The motion shall describe the intended distribution of unclaimed funds in accordance with Code of Civil Procedure section 384, subdivision (b), and shall explain the reason for choosing proposed recipient as opposed to other potential recipients considered.	Spivak Decl. ¶ 64 (36:14-19); MPA, § III (H) (10:23-27; 11:1-3).
23 24 25 26 27 28	ii. The motion shall be supported by a declaration from a knowledgeable person from the proposed recipient. The declaration shall:	Spivak Decl. ¶ 65 (36:14-26); MPA, § III (H) (10:23-27; 11:1-3); Joan Graff Declaration (“Graff Decl.”).

1	A. Establish that the recipient is a	Graff Decl., ¶ 4 (1:9-17).
2	nonprofit organization, foundation, or	
3	program of the type described in that	
4	subdivision.	
5	B. Describe the history of the recipient,	Graff Decl. ¶¶ 4-15 (1:9-27; 2; 3;
6	the types of projects that it has	4; 5).
7	conducted or supported over the last	
8	five years, and any particular use to	
9	which it would intend to devote the	
10	unpaid residue if received.	
11	C. Describe the geographic area in which	Graff Decl. ¶¶ 8-10 (2:7-19).
12	the recipient operates in general, and	
13	the nature and extent of services it	
14	provides in Riverside County in	
15	particular.	
16	iii. The declarations of the attorneys for the	Spivak Decl. ¶ 65 (36:20-26).
17	plaintiff and for the defendant shall describe	See also Suppl. Besser Decl. ¶ 4.
18	both (A) any relationship between the	Amended Declaration of Walter
19	proposed recipient and (1) any class	L. Haines (Amnd. Walter
20	representative or other party, (2) any officer,	Decl.)) ¶¶ 2-3 (3:17-25)
21	director, or manager of any party, or (3) any	
22	attorney or law firm for any party, and (B)	
23	the inquiries the attorney made to determine	
24	whether there is any such relationship.	
25		
26		
27		
28		



SPIVAK LAW
Employee Rights Attorneys

Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1801 Century Park East
25th Fl
Los Angeles, CA 90067



Office:
1801 Century Park East
25th Fl
Los Angeles, CA 90067

1 2 3 4 5 6 7 8 9 10 11	iv. The agreement shall not provide that the unclaimed funds be deposited into the Industrial Relations Unpaid Wage Fund. (Lab. Code, § 96.6.) That fund is limited to wages or monetary benefits determined by the Labor Commissioner to be due to an employee after an investigation by the Labor Commissioner, and thus will not accept wages, penalties or interest distributed as part of the settlement of a lawsuit brought by a plaintiff other than the Labor Commissioner.	Not applicable. Unclaimed funds will be deposited to the California nonprofit organization, Legal Aid at Work. Spivak Decl. ¶¶ 64-65 (36:14-26); MPA, §§ III (H) (10:14-27; 11:1-3).
12 13 14	d. If the settlement contemplates the use of an administrator to implement the terms of the settlement, the motion shall be supported by:	
15 16 17 18	i. A declaration from the plaintiff's attorney, stating whether bids were sought from multiple potential administrators and, if so, the results of that competitive bidding.	Spivak Decl. ¶ 67 (37:7-15).
19 20 21	ii. A declaration from the administrator describing:	
22 23 24	a. The administrator's experience;	Michael E. Moore Declaration ("Moore Decl."). ¶¶ 2-8 (2:28; 3:1-14).
25 26 27 28	b. The fee to be charged by the administrator to perform the services described in the settlement agreement and proposed order;	Moore Decl. ¶ 9 (3:15-23).



Office:
1801 Century Park East
25th Fl
Los Angeles, CA 90067

1	c. Whether that fee is (1) fixed, (2) hourly, or	Moore Decl. ¶ 9 (3:15-23).
2	(3) hourly with a cap; and	
3		
4	d. How the fee was calculated.	Moore Decl. ¶ 9 (3:15-23) and
5		attached Exhibit B.
6	e. Any release to be given by the participating class	
7	members (other than the class representatives) shall	
8	be limited to:	
9	i. The defendants named in the complaint,	Suppl. MPA. ¶¶ 3- 4 (4:7-5:5).
10	together with their officers, directors,	
11	employees and agents. If any other parties are	
12	sought to be released, the motion shall both (A)	
13	identify those other parties by name and (B)	
14	explain the facts that justify their inclusion.	
15	ii. The claims stated in the complaint and those	MPA, § III (I) (11:4-24).
16	based solely upon the facts alleged in the	
17	complaint.	
18		
19	iii. Liability that arose during the class period as	MPA, § III (I) (11:4-24).
20	defined by the settlement agreement.	
21		
22	f. If notice is not to be given by first class mail to	<i>Not Applicable</i> ; Notice is to be
23	addresses believed to be current, the motion shall	given by first class mail. See
24	discuss the proposed method of giving notice, the	Second Amended Settlement, § I
25	alternative methods considered, and the reasons that	MM; MPA, § III (G) (7:18-25;
26	the proposed method is the one most likely to give	8).
27	actual notice to the greatest number of class	
28	members.	

1 2 3 4 5 6 7 8	g. If the settlement requires any of the class members to submit claims: the motion shall explain why a claim process is reasonably necessary. If the defendant knows (A) the identity of the class members, (B) their addresses or former addresses, and (C) the facts necessary to calculate the recovery of each class member, the Court will require a strong showing of necessity for a claims process.	Not Applicable (Class Members are not required to submit claim forms). <i>See generally</i> Settlement.
9 10 11 12 13 14	h. If the settlement provides that any portion of the consideration paid or deposited by the defendant may revert to the defendant, the motion shall explain (i) the circumstances under which that reversion would occur, (ii) the maximum amount of any reversion, and (iii) why that reversion is fair.	Not Applicable (this is a non-reversionary settlement). <i>See generally</i> Settlement.
15 16 17 18 19 20 21 22 23 24	i. If the settlement includes compensation for unpaid wages, the motion shall describe how the employer's share of any applicable payroll taxes will be handled. The Court suggests that the employer's share not be paid out of the gross settlement fund. The Court is not likely to include the amount of those payments when calculating the plaintiff's counsel's percentage attorney's fee.	Suppl. MPA ¶ 7 (6:12-18); Amnd. Decl. DS ¶ 15 (5:15-17).



SPIVAK LAW
Employee Rights Attorneys

Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1801 Century Park East
25th Fl
Los Angeles, CA 90067

1 2 3 4 5 6	j. The documents that will be read by or used by the class members – the proposed notice, objection form, exclusion form, and any claim form- shall be drafted in a manner that is likely to be readily understood by the members of the class.	<i>See generally</i> Exhibits A, B, C to Proposed Order. Notice of Class Action Settlement, Request for Exclusion Form, and Objection Form (collectively “Notice Packet”).
7 8 9 10 11 12 13 14 15 16 17	k. The motion shall be accompanied by a separately filed document entitled “Compliance Chart” that shall consist of two columns. One column shall separately list each requirement prescribed by each paragraph or sub-paragraph of sections H.1 and H.3 through H.10 of the Case Management Order filed on March 7, 2022. The other column shall describe- by document name and page and line numbers – where in the moving papers the corresponding requirement is satisfied.	<i>See generally</i> Second Amended Compliance Chart.
18 19 20	4. The Proposed Order	



SPIVAK LAW
Employee Rights Attorneys

Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1801 Century Park East
25th Fl
Los Angeles, CA 90067

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

a. The motion shall be accompanied by a separate proposed order which shall include, as attachments to the order, the proposed notice (Cal. Rules of Court, rule 3.769(e)), proposed exclusion form, proposed objection form, any proposed claim form, and any other form that is proposed to accompany the notice. The Court is likely to modify those proposed forms. Therefore, the Court will not issue an order that merely incorporates by reference the forms attached to the settlement agreement.	<i>See generally</i> Proposed Order.
b. The settlement agreement shall not be attached to the order.	<i>See generally</i> Proposed Order.
c. Counsel shall carefully review both the terms and the terminology of the order and accompanying forms (notice, objection form, exclusion form, and any claim form) to confirm that the various documents are internally consistent, consistent with each other, and consistent with the settlement agreement.	<i>See generally</i> Proposed Order.
d. The order shall state the name of any settlement administrator, and shall describe the nature of the services that the administrator will be required to perform, either directly or by reference to the settlement agreement.	Proposed Order, ¶ 5.h (8:28 - 10:1).



Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1801 Century Park East
25th Fl
Los Angeles, CA 90067

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

e. The order shall provide that the notice shall be accompanied by an exclusion form that the class members may use. The order shall provide that any exclusion form shall be submitted to the settlement administrator rather than filed with the court. The order shall not require the class member to send copies of the exclusion form to counsel, but may require the settlement administrator to do so. The order shall provide that the settlement administrator shall file a declaration concurrently with the filing of any motion for final approval, authenticating a copy of every exclusion form received by the administrator.

Proposed Order, ¶ 5.e.i (6:13-7:6); Suppl. MPA ¶ 8 (6:19-7:4) Amnd. Decl. DS ¶ 16 (6:18-27), ¶ 42 (9:20-21)

f. The proposed order shall provide that the notice shall be accompanied by an objection form that the class members may use. The order shall provide that any objection shall be submitted to the settlement administrator rather than filed with the court. The order shall not require the class member to send copies of the objection form to counsel, but may require the settlement administrator to do so. The order shall provide that the settlement administrator shall file a declaration concurrently with the filing of any motion for final approval, authenticating a copy of every objection form received by the administrator.

Proposed Order, ¶ 5.e.ii (7:14-8:17); Suppl. MPA ¶ 8 (6:19-7:4); Amnd. Decl. DS. ¶ 9 (4:19-23).



SPIVAK LAW
Employee Rights Attorneys

Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1801 Century Park East
25th Fl
Los Angeles, CA 90067



Office:
1801 Century Park East
25th Fl
Los Angeles, CA 90067

1	g. Neither the order, the notice, nor the objection form	
2	shall require an objecting party to do either of the	
3	following, either personally or through counsel:	
4		
5	i. To appear at the hearing on the motion for final	Proposed Order, ¶ 1 (3:8-14);
6	approval for that party's objection to be	<i>See generally</i> Class Notice and
7	considered.	Objection Form.
8	ii. To file or serve, or to state in the objection, a	Proposed Order, ¶ 1 (3:7-18);
9	notice of intention to appear at the hearing on	<i>See generally</i> Class Notice and
10	the motion for final approval.	Objection Form.
11	h. The order shall require that either counsel or the	Proposed Order, ¶13 (11:7-10).
12	administrator must give notice to any objecting	
13	party of any continuance of the hearing of the	
14	motion for final approval.	
15	i. Neither the order nor the notice shall purport to	<i>See generally</i> Proposed Order
16	enjoin the class members from filing any actions or	and Class Notice.
17	administrative claims or proceedings pending the	
18	final hearing on the settlement, or for any other	
19	period.	
20		
21	j. If notice is to be given by mail, and if the class	Not Applicable (Class Members
22	members will be required to submit a claim form,	are not required to submit claim
23	the order shall provide:	forms). <i>See generally</i>
24		Settlement.
25	i. That the notice be accompanied by a stamped	Not Applicable (Class Members
26	envelope addressed to the claims administrator;	are not required to submit claim
27	and	forms). <i>See generally</i>
28		Settlement.

ii. That the claims administrator be required to send a reminder notice to every class member from whom no claim or exclusion request is received within 30 days of mailing the notice.	Not Applicable (Class Members are not required to submit claim forms). <i>See generally</i> Settlement.
5. The Proposed Notice	
a. The notice shall include an estimate of the likely recovery by the individual class member to whom the notice is sent, if known. If it is not known, the notice shall include an estimate of the likely recovery by the average class member. If the recovery by different members will vary, the notice shall also include an estimate of the range of possible recoveries.	<i>See generally</i> Class Notice.
b. To avoid discouraging any dissenting class members from objecting to the proposed settlement, the notice shall clearly indicate that the Court has determined only that there is sufficient evidence to suggest that the proposed settlement might be fair, adequate, and reasonable, and that any final determination of those issues will be made at the final hearing.	<i>See generally</i> Class Notice.



SPIVAK LAW
Employee Rights Attorneys

Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1801 Century Park East
25th Fl
Los Angeles, CA 90067

1 2 3 4 5 6 7 8 9	c. The notice shall advise the class members of where they can find the settlement agreement, by describing (i) the full title and filing date either of the settlement agreement or of the declaration or other document to which the agreement was attached when filed with the Court, (ii) the address of the courthouse to which the case is assigned, and (iii) the address of the court's website at which the case file can be viewed on-line.	Suppl. MPA ¶ 9 (7:5-8:14); <i>See generally</i> Class Notice.
10 11 12 13	d. Neither the notice nor the documents enclosed with it shall describe any settlement administrator as the "claims administrator" unless the class members are required to submit claims.	<i>See generally</i> Class Notice and Objection Form.
14 15	e. The notice shall include a description of any release being given by the class members.	<i>See generally</i> Class Notice.
16 17 18 19 20 21	6. The Proposed Claim Form: The information required to be provided by the class member on any claim form shall not exceed the minimum information necessary to (a) identify the claimant, (b) process the claim, and (c) contact the claimant to clarify any uncertainties.	Not Applicable (Class Members are not required to submit claim forms). <i>See generally</i> Settlement.
22 23 24 25 26 27 28	7. The Proposed Objection Form	



SPIVAK LAW
Employee Rights Attorneys

Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1801 Century Park East
25th Fl
Los Angeles, CA 90067

1 2 3 4 5 6	a. The objection form shall (i) instruct the objecting class member that the objection must be mailed or delivered to the settlement administrator, (ii) state the name and address of the settlement administrator, and (iii) state the date by which the objection must be mailed or otherwise delivered.	<i>See generally</i> Objection Form.
7 8 9 10 11 12 13	b. The information required to be provided by an objecting class member on the objection form shall not exceed the minimum information necessary to (i) identify the objector as a person entitled to object to the settlement, (ii) describe the nature of and basis for the objection, and (iii) contact the objector to clarify any uncertainties.	<i>See generally</i> Objection Form.
14 15 16 17 18 19	c. If a claim must be submitted to participate in the settlement, the objection form shall remind the objector that, to participate in the settlement in the event that the objection is overruled, the objector must also submit a claim.	Not Applicable (Class Members are not required to submit claim forms). <i>See generally</i> Settlement.
20 21	8. The Proposed Exclusion Form	
22 23 24 25 26 27 28	a. The exclusion form shall (i) instruct the class member seeking exclusion that the exclusion form must be mailed or delivered to the settlement administrator, (ii) state the name and address of the settlement administrator, and (iii) state the date by which the exclusion form must be mailed or otherwise delivered.	<i>See generally</i> Exclusion Form.

1	b. The information required to be provided by a class member on the exclusion form shall not exceed the	See generally Exclusion Form.
2	minimum information necessary to (i) identify the	Suppl. MPA ¶ 10 (8:15-17)
3	person as a class member and (ii) contact the person	
4	to clarify any uncertainties.	
5		
6	9. PAGA Penalties	
7		
8	a. If the action includes a claim for statutory penalties	Spivak Decl. ¶¶ 48- 55 (28: 3-
9	under the Labor Code Private Attorney General Act	26; 29; 30:1-17), MPA § V
10	of 2004 ("PAGA"), the motion shall explain the	(C)(1)(27:26-27; 28:1).
11	terms of any settlement of that claim.	
12		
13	b. If the settlement provides for the payment of	Spivak Decl. ¶¶ 50-55 (28:21-
14	penalties under PAGA, the motion shall be	26; 29; 30: 1-17); Exhibit 8;
15	accompanied by a declaration describing how the	Suppl. Spivak Decl. ¶¶15-16
16	penalties were calculated and otherwise establishing	(5:1-16).
17	facts sufficient to allow the Court to review and	
18	approve those penalties as required by Labor Code	
19	section 2699, subdivision(l). In particular, the	
20	declaration shall explain:	
21	i. The nature of the alleged violations.	Spivak Decl. ¶ 49 (28:9-20).
22		
23	ii. The number of alleged individual violations,	Spivak Decl. ¶ 50 (28:21-26).
24	including both the length of the relevant	
25	employment period and the number of	
26	employees allegedly employed during that	
27	period.	
28		



SPIVAK LAW
Employee Rights Attorneys

Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1801 Century Park East
25th Fl
Los Angeles, CA 90067

1	iii. The total amount of penalties for which the	Spivak Decl. ¶ 51 (29:1-6);
2	defendant is potentially liable if all allegations	Exhibit 8; Amnd. Decl. DS ¶¶
3	are proven.	17-18 (5:28-6:17)
4	iv. The total amount of penalties defendant is likely	Spivak Decl. ¶ 52 (29:7-14);
5	to be found liable at trial, considering the	Amnd. Decl. DS ¶¶ 17-18 (5:28-
6	weight of the evidence, the clarity of the	6:17).
7	applicable law, and the strength of any factual	
8	or legal defense likely to be asserted by the	
9	defendant.	
10	v. The likelihood that any violations would be	Spivak Decl. ¶ 53 (29:15-20);
11	proven to have been knowing and intentional.	Exhibit 8.
12		
13	vi. Any facts that tend to suggest that the	Spivak Decl. ¶ 54 (29:21-27; 30:
14	imposition of the total amount of statutory	1-8); Exhibit 8; Amnd. Decl. DS
15	penalties for which the defendant would be	¶¶ 17-18 (5:28-6:17).
16	likely to be found liable at trial would be unjust,	
17	arbitrary and oppressive, or confiscatory.	
18		
19	vii. How the amount of the agreed-upon penalties	Spivak Decl. ¶ 55 (30: 9-16);
20	was calculated or otherwise arrived at.	Exhibit 8; Amnd. Decl. DS ¶¶
21		17-18 (5:28-6:17).
22	viii. Any other factors that are material to a	Spivak Decl. ¶ 55 (30: 9-16);
23	determination that the amount of the agreed-	Exhibit 8; Amnd. Decl. DS ¶¶
24	upon penalties is fair.	17-18 (5:28-6:17).
25		



SPIVAK LAW
Employee Rights Attorneys

Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1801 Century Park East
25th Fl
Los Angeles, CA 90067

10. Revised Documents: If the Court either denies the motion or continues the hearing on the motion, and if the plaintiff thereafter files any amended settlement agreement, order, notice or form in support of either that motion or a renewed motion, the plaintiff shall file a declaration authenticating a "red-lined" version of the amended document, showing how the earlier version was modified.

If such a situation arises, the Plaintiff will file a declaration authenticating a "red-lined" version of the amended document, showing how the earlier version was modified.

Respectfully submitted,

THE SPIVAK LAW FIRM

Dated: June 23, 2023

By: 

DAVID G. SPIVAK
MAYA CHEAITANI, Attorneys for
Plaintiff(s), JENNIFER WISE, and all
others similarly situated



SPIVAK LAW
Employee Rights Attorneys

Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1801 Century Park East
25th Fl
Los Angeles, CA 90067